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7 Attorney for David Lee Kagel

8 **UNITED STATES DISTRICT COURT**
9 **DISTRICT OF NEVADA**

10 UNITED STATES OF AMERICA,
11

12 Plaintiff,

13 v.

14 DAVID LEE KAGEL,
15

Defendant.

Case No. 2:24-cr-00024-GMN-DJA-1

**STIPULATION TO CONTINUE
CHANGE OF PLEA HEARING**
(Fourth Request)

16
17 IT IS HEREBY STIPULATED AND AGREED, by and between Jason M. Frierson,
18 United States Attorney, and Theodore M. Kneller, Trial Attorney, U.S. Department of Justice,
19 counsel for the United States of America, and Rene L. Valladares, Federal Public Defender,
20 and Benjamin F. J. Nemec, Assistant Federal Public Defender, counsel for David Lee Kagel,
21 that the change of plea hearing currently scheduled on May 13, 2024, be vacated and continued
22 to May 28, 2024.

23 This Stipulation is entered into for the following reasons:

24 1. At the change of plea set on May 13, 2024, Mr. Kagel passed out in the elevator
25 and had to be taken back to hospice before the change of plea could take place. The parties
26 request this Court set a change of plea for May 28, 2024, to allow defense counsel enough time

1 to follow up and make sure Mr. Kagel is well enough to attend a change of plea and to
2 accommodate the parties' and the court's schedule.

3 2. The parties agree to the continuance.

4 3. Additionally, denial of this request for continuance could result in a miscarriage
5 of justice. The additional time requested by this Stipulation is excludable in computing the time
6 within which the trial herein must commence pursuant to the Speedy Trial Act, Title 18, United
7 States Code, Section 3161(h)(7)(A), considering the factors under Title 18, United States Code,
8 Section 3161(h)(7)(B)(i), (iv).

9 This is the fourth request for a continuance of the change of plea hearing.

10 DATED this 16th day of May, 2024.

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12 RENE L. VALLADARES
13 Federal Public Defender

JASON M. FRIERSON
United States Attorney

14 By /s/ Benjamin F. J. Nemec

By /s/ Theodore M. Kneller

15 BENJAMIN F. J. NEMEC
16 Assistant Federal Public Defender

THEODORE M. KNELLER
Trial Attorney, U.S. Department of Justice

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

3 UNITED STATES OF AMERICA,

4 Plaintiff,

5 v.

6 DAVID LEE KAGEL,

7 Defendant.
8

Case No. 2:24-cr-00024-GMN-DJA-1

ORDER

9
10 IT IS THEREFORE ORDERED that the change of plea hearing currently scheduled for
11 Monday, May 13, 2024 at 9:00 a.m., be vacated and continued to May 28, 2024 at the hour of
12 1:30 p.m.; or to a time and date convenient to the court.

13 DATED this 20 day of May, 2024.

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16 UNITED STATES DISTRICT JUDGE
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